

COUNSEL LISTED ON SIGNATURE PAGE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION **E-FILED - 6/19/07**

XOFT, INC.,)	Case No. CV 05-05312 RMW (RS)
)	
Plaintiff,)	
)	STIPULATION REQUESTING 30-DAY
vs.)	STAY AND ORDER
)	
CYTYC CORPORATION and PROXIMA)	
THERAPEUTICS, INC.,)	
)	
Defendants.)	
)	
)	
)	
AND RELATED COUNTERCLAIMS.)	
)	

1 WHEREAS, the parties are earnestly engaged in good faith discussions concerning a settlement
2 of this action and the underlying dispute;

3 WHEREAS, the parties and their respective counsel believe that a thirty-day suspension of all
4 case deadlines and proceedings, including hearings already scheduled on this Court's calendar, would
5 allow the parties to focus on their settlement discussions;

6 NOW THEREFORE, the parties, through their respective counsel of record, subject to the
7 approval of the Court, hereby stipulate, agree, and jointly apply to the Court for a thirty-day stay of all
8 deadlines and proceedings in this case. The hearings scheduled before the Honorable Ronald M.
9 Whyte on July 13, 2007, and the hearing scheduled before the Honorable Richard Seeborg on June 27,
10 2007 and July 11, 2007 shall be rescheduled for August 17, 2007, August 1, 2007 and August 15,
11 2007, respectively, or such other date subsequent to the aforesaid dates as Judge Whyte and Magistrate
12 Judge Seeborg shall set. Unless the case is sooner dismissed, within five days of the expiration of the
13 stay on July 18, 2007, the parties will file a report advising the Court of the status and outcome, if any,
14 of their settlement discussions.

15 It is SO STIPULATED.

16 DATED: June 18, 2007 HOWREY LLP

17
18
19 By: /s/ Henry C. Su
Henry C. Su

20 Henry C. Bunsow (SBN 60707)
21 bunsowh@howrey.com
22 Henry C. Su (SBN 211202)
23 suh@howrey.com
24 HOWREY LLP
25 525 Market Street, Suite 3600
26 San Francisco, California 94105
27 Telephone: (415) 848-4900
28 Facsimile: (415) 848-4999

Attorneys for Defendants CYTYC CORPORATION and
CYTYC SURGICAL PRODUCTS II, INC.

1 DATED: June 18, 2007

ORRICK, HERRINGTON & SUTCLIFFE LLP

4 By: /James W. Geriak
James W. Geriak

5 James W. Geriak (SBN 32871)

6 jgeriak@orrick.com

Kurt T. Mulville (SBN 149218)

7 kmulville@orrick.com

8 Thomas J. Gray (SBN 191411)

tgray@orrick.com

9 Mark Stirrat (SBN 229448)

mstirrat@orrick.com

ORRICK, HERRINGTON & SUTCLIFFE LLP

10 4 Park Plaza, Suite 1600

Irvine, CA 92614

11 Telephone: (949) 567-6700

Facsimile: (949) 567-6710

12 Monte Cooper (SBN 196746)

13 mcooper@orrick.com

ORRICK, HERRINGTON & SUTCLIFFE LLP

14 1000 Marsh Road

Menlo Park, CA 94025

15 Telephone: (650) 614-7400

Facsimile: (650) 614-7401

16 Attorneys for Plaintiff XOFT, INC.

17
18
19 Filer's Attestation: Pursuant to General Order No. 45, § X(B), I attest under penalty of perjury
20 that concurrence in the filing of the document has been obtained from each of its signatories.
21

22 Dated: June 18, 2007

By: /s/Henry C. Su

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 6/19/07



RONALD M. WHYTE
United States District Judge